

2013 DRAFTING REQUEST

Bill

Received: 7/25/2013	Received By: pkahler
Wanted: As time permits	Same as LRB:
For: Evan Goyke (608) 266-0645	By/Representing: Ryan Knocke
May Contact:	Drafter: pkahler
Subject: Real Estate - foreclosures	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to: **Fern.Knepp@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 7/31/2013	wjackson 8/9/2013	jmurphy 8/9/2013	_____			
/P1	pkahler 10/1/2013			_____	srose 8/9/2013		Local
/P2	pkahler 10/3/2013	wjackson 10/3/2013	rschluet 10/3/2013	_____	lparisi 10/3/2013		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	pkahler 10/4/2013	wjackson 10/4/2013	rschluet 10/4/2013	_____ _____	lparisi 10/4/2013		Local
/1	pkahler 10/25/2013	wjackson 10/4/2013	jmurphy 10/4/2013	_____ _____	lparisi 10/4/2013	lparisi 10/7/2013	Local
/2	phurley 10/28/2013	wjackson 11/4/2013	rschluet 11/4/2013	_____ _____	lparisi 11/4/2013	lparisi 11/4/2013	Local

FE Sent For:

at
Intro

<END>

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Handwritten: 5/14/13, jm

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/1		wjackson 10/4/2013	jmurphy 10/4/2013	_____	lparisi 10/4/2013	lparisi 10/7/2013	Local

FE Sent For:

1/2 WJ 11/4

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FE Sent For:

1 wj 10/4

*Jim
10/4*

*Jim & wj
10/4*

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4/3 WJ 10/14



jm

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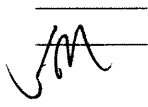

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See attached

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/?	pkahler	/p/wj 8/9	jm 8/9	jm 8/9			

FE Sent For:

<END>

Kahler, Pam

From: Knocke, Ryan
Sent: Tuesday, July 23, 2013 3:44 PM
To: Kahler, Pam
Subject: Rep. Goyke Draft Request

Pam-

I hope this message finds you well and that you are having a good day! Rep. Goyke asked me to forward to you this draft request below that he outlined. Could this be forwarded to the hopper to be worked on? Thank you so much for your help to our office. Please let me know if you need anything from Rep. Goyke. All the best.

- Ryan

Additional Foreclosure Bill

Security Lights

Under current law, mortgagees may file a foreclosure action against a borrower when the borrower meets certain criteria regarding non payment. The plaintiff mortgagee in the lawsuit must pay a filing fee with the appropriate county clerk of courts to initiate the lawsuit. In general, these fees are used to pay the operational costs of the court.

Under this bill, the filing fee for each foreclosure action is increased by \$50.00. This additional filing fee shall be routed by the county clerk of courts to the designated department for installation of lighting on existing foreclosed homes. The lighting that shall be used shall generate and regenerate its own power through solar energy (as by definition, the existing foreclosed homes do not have electricity running to them).

814.61

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2774/

PJK:K....

Wad
Ccmh1

WJ ~~run not run~~

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 7-31)
D-note

gen cost

1 **AN ACT**; relating to: charging an additional fee for filing a foreclosure action
2 to be used for lighting installation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

FE-L

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:

4 814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a
5 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county
6 treasurer in a separate account to be used by the county exclusively for the purposes
7 specified in s. 846.095.

8 **SECTION 2.** 846.095 of the statutes is created to read:

9 **846.095 Installing lighting on properties in foreclosure.** (1) Each county
10 shall establish a program for installing lighting that is powered by solar energy on

1 properties in foreclosure. A county shall enter into a contract with an electrical
2 contractor or electrician for the purpose of installing the lighting.

3 (2) A property is eligible to have lighting installed under the program under
4 this section if it satisfies all of the following criteria:

5 (a)

6 (b)

7 (c) etc.

****NOTE: The paragraphs above would list the eligibility criteria that a property
must satisfy to receive lighting, such as the property is abandoned.

8 (3)

****NOTE: Subsection (3) above would specify any other requirements under the
program, such as that the lighting could not exceed \$X per property.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to mortgage foreclosure actions that are commenced
11 on the effective date of this subsection.

****NOTE: You might want to delay the effective date to give counties time to
establish their programs and enter into contracts for lighting installation.

12 (END)

D - note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2774/1dn

PJK:.....

WJ
r m not run

Date

This is a preliminary draft with the basic structure that I am proposing. Unless you want every property, regardless of the circumstances, to receive the lighting, you will need to determine the criteria under the program for lighting installation. For example, must the property be residential property? Must electrical service have been terminated? Must the property be without outdoor lighting? Must the property have been abandoned? Other aspects of the program you might want to consider include: whether there should be any limits on how much may be spent per property for lighting or for the installation, whether there should be any requirements for inspecting the property to determine whether lighting is needed, whether the plaintiff must satisfy any reporting requirements related to whether lighting installation is needed, what should happen if the money is insufficient to pay the contractor, any qualifications the contractor must have, etc. In the alternative, you could require each county to determine how its program will be administered, including what criteria a property must satisfy. You could specify just the details that you want to require, if any, and then let the county establish all the other details.

I assume that the lighting would be installed during the pendency of the action before judgment is rendered, correct? Is the lighting intended to be temporary and removed at some point, such as just before the sheriff's sale?

Fifty dollars does not strike me as nearly enough for both lights and installation costs. I assume the intention is that not every property would have lighting installed.

I required a private contract for the installation because I was advised by Marc Shovers that there really is not an appropriate county office or department for the installation. However, if you want to require a particular office or department to be responsible, let me know.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

additional paragraph

Is the lighting for security purposes and must it be installed on the outside of a building? If so, this should be specified

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2774/P1dn

PJK:wlj:jm

August 9, 2013

This is a preliminary draft with the basic structure that I am proposing. Unless you want every property, regardless of the circumstances, to receive the lighting, you will need to determine the criteria under the program for lighting installation. For example, must the property be residential property? Must electrical service have been terminated? Must the property be without outdoor lighting? Must the property have been abandoned? Other aspects of the program you might want to consider include whether there should be any limits on how much may be spent per property for lighting or for the installation, whether there should be any requirements for inspecting the property to determine whether lighting is needed, whether the plaintiff must satisfy any reporting requirements related to whether lighting installation is needed, what should happen if the money is insufficient to pay the contractor, any qualifications the contractor must have, etc. In the alternative, you could require each county to determine how its program will be administered, including what criteria a property must satisfy. You could specify just the details that you want to require, if any, and then let the county establish all the other details.

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Rep. Goyke
Sent: Wednesday, September 25, 2013 2:29 PM
To: Kahler, Pam
Subject: FW: Draft review: LRB -2774/P1 Topic: Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed
Attachments: 13-2774/P1.pdf, DraftersNote1.pdf

Pam-

Thank you as well for your help with this draft. My staff forwarded to me your questions in the cover letter and I have put some thought into it and included my responses below. I hope these will help for a revised /p2 draft. Thank you and let me know if you have any other questions.

- Rep. Goyke

75.14

Security Lighting, LRB-2774, the drafted had several questions. My responses are below:

75.521 75.19

- ✓ -Change applicability to only properties deemed "abandoned, blighted, or owned by a local municipality through tax foreclosure" so that the lighting would not need to be installed on every foreclosed home. I believe this would fit the list of qualifications that the draft has listed as Wis. Stat. 846.095(2)(a-...).
- ✓ -The listed purpose, I agree, should be "exterior lighting for security purposes" so that we're not thinking of decorating anyone's yards or gardens...
- ← -The lighting would be temporary, removed when the property is sold - whether that's at a sheriff sale, auction, etc. Once owned, the owner would bear the responsibility and cost of continued protection and would have his or her own financial incentive to secure the property, so no lights needed from this source
- ✓ -I agree that each county should be required under the bill to develop a strategy for designation and installation. They obviously won't like this, but each county is so different, the properties are so different that there should be flexibility. A block in Milwaukee with 5 abandoned homes will be different than a farm house on a county trunk highway.
- Within the county's authority to establish an installation program, I'd like to include some small amount of discretion on which properties are appropriate. There may be instances where a property is secure, well lit naturally or because its proximity to others and won't need additional security lights.
- ← -I am fine with the provision of a private contractor. Do we need to provide for civil immunity for the contractors? I seem to remember something about a contractor working for the county being immune in most ways. Not sure, but we can extend immunity if needed.
- ✓ -Yes to extending the effective date, six months would be preferred
- ✓ -Yes, the lighting should be capped, but I think it would be best phrased as "no more lighting than deemed necessary to better secure the exterior of the property, as determined by the county authorized to install the lighting" - or something like that. I don't want to put a dollar amount on it in the case of a large but very problematic property, I'd like flexibility to go over a certain dollar amount.

From: LRB.Legal

Sent: Friday, August 09, 2013 4:38 PM

To: Rep.Goyke

Subject: Draft review: LRB -2774/P1 Topic: Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed

Following is the PDF version of draft LRB -2774/P1 and drafter's note.

Kahler, Pam

From: Kuczenski, Tracy
Sent: Thursday, September 26, 2013 9:39 AM
To: Hurley, Peggy; Kahler, Pam
Subject: RE: immunity question

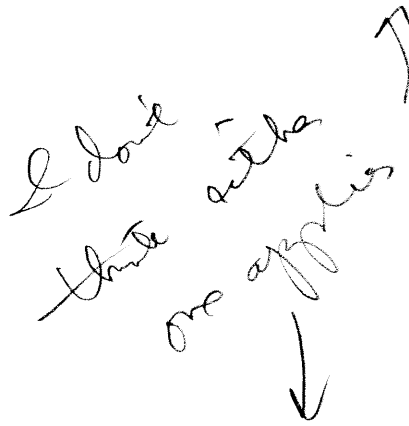
Hi Pam –

I was wondering if Rep. Goyke was thinking of 893.80 (4), which prohibits suits against “a political corporation, subdivision or agency or volunteer fire company or against its officers, officials, agents or employees for acts done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.” However, the immunity is for discretionary acts (not mandatory acts as your bill imposes) and there is case law that the immunity does not extend to independent contractors.

Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

*I don't think
the one applies*



From: Hurley, Peggy
Sent: Thursday, September 26, 2013 9:02 AM
To: Kahler, Pam; Kuczenski, Tracy
Subject: RE: immunity question

Section 895.58 provides immunity from civil liability (absent reckless or intentional conduct, and absent death or injury to another person) for persons working under a contract with a state or local governmental unit. There are also a handful of immunity provisions that are written right into the applicable chapter or statutes, and not put in chapter 895. If you want, I could draft a civil immunity provision either into the statute you've created or in chapter 895.

Peggy

only relates to "special waste"

From: Kahler, Pam
Sent: Wednesday, September 25, 2013 4:57 PM
To: Kuczenski, Tracy; Hurley, Peggy
Subject: FW: immunity question

Tracy and Peggy:

Please see below. Are you aware of any existing civil immunity for the actions of an independent contractor who performs services, for pay, for a political subdivision? Thanks!

Pam

From: Shovers, Marc
Sent: Wednesday, September 25, 2013 4:46 PM
To: Kahler, Pam
Subject: RE: immunity question

I'm not aware of any such provision, but you may want to ask the courts and procedures drafters . . .
I think they deal with immunity issues.

Marc

From: Kahler, Pam
Sent: Wednesday, September 25, 2013 4:42 PM
To: Shovers, Marc
Subject: immunity question

Hi, Marc:

A long time ago I asked you a question about a particular draft of mine that required counties to install security lighting on properties in foreclosure, and you said there wasn't really any county department that was appropriate for performing the installations. Remember that one? So I required counties to contract with private contractors for the installations. Rep. Goyke, the requester, would like to give the private contractors civil immunity, but he thinks they may already have it under some other provision. I looked and did not find anything that I think would apply. Are you aware of anything? Thanks!

Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2774/11

PJK/wlj/ja

Stays

missouri

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 10-1)
wanted
D-note
Today, please

a program for installing
lighting on tax delinquent
properties and properties in
foreclosure and

Regen

1 AN ACT ~~to create~~ 814.61 (1) (f) and 846.095 of the statutes; relating to: charging
2 an additional fee for filing a foreclosure action to be used for lighting
3 installation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:

5 814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a
6 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county
7 treasurer in a separate account to be used by the county exclusively for the purposes

8 specified in s. 846.095.

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SECTION 2. 846.095 of the statutes is created to read:

846.095 Installing lighting on properties in foreclosure. (1) Each county shall establish a program for installing lighting that is powered by solar energy on properties in foreclosure. A county shall enter into a contract with an electrical contractor or electrician for the purpose of installing the lighting.

(2) A property is eligible to have lighting installed under the program under this section if it satisfies all of the following criteria:

(a)

(b)

(c) etc.

****NOTE: The paragraphs above would list the eligibility criteria that a property must satisfy to receive lighting, such as the property is abandoned.

(3)

****NOTE: Subsection (3) above would specify any other requirements under the program, such as that the lighting could not exceed \$X per property.

SECTION 3. Initial applicability.

(1) This act first applies to mortgage foreclosure actions that are commenced on the effective date of this subsection.

****NOTE: You might want to delay the effective date to give counties time to establish their programs and enter into contracts for lighting installation.

(END)

~~first day of the 7th month beginning after publication~~

D-note

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2774/P2ins
PJK:.....

INSERT 2-11

1 **846.095 Installing lighting on properties that are tax delinquent or in**
2 **foreclosure.** (1) DEFINITION. In this section, "board" means a county board and
3 includes any person to which a county board delegates its responsibilities under sub.

4 ~~(5).~~

5 (2) PROGRAM FOR INSTALLATION OF SECURITY LIGHTING. The board of each county
6 shall, no later than the first day of the 7th month beginning after the effective date
7 of this subsection ... [LRB inserts date], establish a program for installing temporary
8 lighting on properties located in the county that are tax delinquent or in foreclosure.
9 The program shall include at least all of the following features and requirements:

10 (a) The board shall enter into a contract with an electrical contractor or
11 electrician to install the lighting. The lighting shall be installed for security purposes
12 on the exterior of any buildings on the property and must be powered by solar energy.

13 (b) Subject to par. (c), a property is eligible to have lighting installed if it
14 satisfies all of the following criteria:

15 1. The property is the subject of a foreclosure action under ch. 846 or the county
16 holds a tax certificate under s. 74.57 with respect to the property.

17 2. The board determines that the property is blighted property, as defined in
18 s. 32.22 (1) (a), or, using the criteria listed in s. 846.102 (2) (a) to (f), determines that
19 the property has been abandoned.

20 (c) The board shall develop criteria to use for determining whether to install
21 lighting on a property that is eligible under par. (b). The criteria shall take into
22 consideration the totality of the circumstances of each eligible property.

1 (d) Lighting installed on a property shall not be more than is sufficient, as
2 determined by the board, to secure the improvements on the property.

3 (3) REMOVAL OF LIGHTING. (a) If a property on which lighting was installed
4 under the program was the subject of a foreclosure action under ch. 846, the board
5 shall have the lighting removed from the property upon the first of any of the
6 following to occur:

7 1. The action is dismissed.

8 2. The property is redeemed under s. 846.13. ✓

9 3. The sale of the property is confirmed under s. 846.165. ✓

10 (b) Except as provided in par. (c), if the county held a tax certificate with respect
11 to a property on which lighting was installed under the program, the board shall have
12 the lighting removed from the property upon the first of any of the following to occur:

13 1. The property is redeemed under s. 75.01. ✓

14 2. The property is sold or title is otherwise transferred by the county to another
15 party after the county acquired title to the property by tax deed under s. 75.14 or by
16 an action in rem under s. 75.521. ✓

17 (c) If the county held a tax certificate with respect to a property on which
18 lighting was installed under the program and commenced an action to foreclose the
19 tax certificate under s. 75.19, the board shall have the lighting removed from the
20 property upon the first of any of the following to occur:

21 1. The action is dismissed.

22 2. The property is redeemed.

23 3. The sale of the property in the action to a party other than the county is
24 confirmed.

1 4. The property is sold or title is otherwise transferred by the county to another
2 party after the county acquired title to the property in the action.

3 (4) DELEGATION PERMISSIBLE. The board may delegate any of its responsibilities
4 under the program to a committee established by the board or to a county employee,
5 department, or agency.

6 (5) OBTAINING INFORMATION. The clerk of circuit court in the county, the county
7 treasurer, and the county register of deeds shall cooperate with and assist the board
8 in obtaining any information that the board needs to administer the program under
9 this section.

10 (6) IMMUNITY FROM LIABILITY FOR CONTRACTOR. An electrical contractor or
11 electrician that contracts to install lighting under a program under this section is
12 immune from civil liability for acts or omissions related to carrying out
13 responsibilities under a contract under sub. (2) (a). ✓

(END OF INSERT 2-11)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2774/P2dn

PJK:/:....

Wij r mis nen

Date

Do you want to make having improvements on the property another criterion for eligibility for lighting? It wouldn't seem like vacant land would need lighting for security.

Rather than delay the entire draft for six months, I handled the delay for county boards to establish their programs differently. It seemed to me that you would want the fees to begin accruing immediately, the boards to begin developing the programs immediately, and a specified date (six months later) by which the programs would have to be established. Any properties that fit the eligibility criteria once a program started operating could have lighting installed, since there is no specified time by which lighting must be installed on a property that fits the eligibility criteria (such as, within 30 days after a foreclosure action is commenced or the county acquires a tax certificate). Is this okay or would you like something different? Would you like to require lighting to be installed within a specified time?

As you can see, the details for the removal of the lighting are the most complicated part of the draft. This is because there are so many different ways in which a foreclosure or a tax delinquent situation may be resolved. Most of the options are unlikely to occur, but they must still be addressed. If you want to simplify the draft, you could eliminate the requirement that the lighting be removed. This might be the most practical option, too, because it may not be possible to reuse the lighting. Instead of the county paying to have the lighting removed, the new (or old) owner could keep it or remove it himself or herself.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2774/P2dn
PJK:wlj:rs

October 3, 2013

Do you want to make having improvements on the property another criterion for eligibility for lighting? It wouldn't seem like vacant land would need lighting for security.

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Rep.Goyke
Sent: Thursday, October 03, 2013 12:04 PM
To: Kahler, Pam
Subject: RE: Draft review: LRB -2774/P2 Topic: Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed

Thank you for such hard work!

To answer your questions:

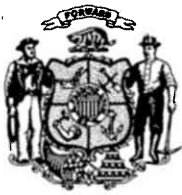
- 1) Yes, the requirement for the property to have improvements seems valid, as lighting vacant land is less of a priority. Good idea!
- 2) I agree with your language giving the county gov't the six months to develop the program but not a delay in the effective date of the bill – you're right – I would like to see the filing fees accrue now so that there's money in the pot to get started in six months. I do not see a need for a time requirement for putting the lighting up and don't want to handcuff the counties if individual issues arise with a given property
- 3) I agree with your language about the lighting NOT being removed, it makes it too messy, so let's delete it from the bill. No need to remove the lighting anyway, often these properties need lots of work after they're purchased but before they're habitable so the lighting should stay up to continue to protect the property after sale – and is just an additional incentive to buy!

Thank you again! I appreciate the rush that you've put into this, I'm trying hard to complete everything this week.

Thanks,
Evan

From: LRB.Legal
Sent: Thursday, October 03, 2013 11:56 AM
To: Rep.Goyke
Subject: Draft review: LRB -2774/P2 Topic: Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed

Following is the PDF version of draft LRB -2774/P2 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2774/P3
PJK:wlj/rs

rmisum

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today (Friday)

Regen

- 1 AN ACT *to create* 814.61 (1) (f) and 846.095 of the statutes; **relating to:** a
- 2 program for installing lighting on tax delinquent properties and properties in
- 3 foreclosure and charging an additional fee for filing a foreclosure action to be
- 4 used for lighting installation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 5 **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:
- 6 814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a
- 7 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county
- 8 treasurer in a separate account to be used by the county exclusively for purposes of
- 9 the program under s. 846.095.

SECTION 2. 846.095 of the statutes is created to read:

846.095 Installing lighting on properties that are tax delinquent or in foreclosure. (1) DEFINITION. In this section, "board" means a county board and includes any person to which a county board delegates its responsibilities under sub.

^{e 3}
(4).

(2) PROGRAM FOR INSTALLATION OF SECURITY LIGHTING. The board of each county shall, no later than the first day of the 7th month beginning after the effective date of this subsection [LRB inserts date], establish a program for installing temporary lighting on properties located in the county that are tax delinquent or in foreclosure. The program shall include at least all of the following features and requirements:

(a) The board shall enter into a contract with an electrical contractor or electrician to install the lighting. The lighting shall be installed for security purposes on the exterior of any buildings ^{or other improvements} on the property and must be powered by solar energy.

(b) Subject to par. (c), a property is eligible to have lighting installed if it satisfies all of the following criteria:

1. The property is the subject of a foreclosure action under ch. 846 or the county holds a tax certificate under s. 74.57 with respect to the property.

3 ~~4~~ The board determines that the property is blighted property, as defined in s. 32.22 (1) (a), or, using the criteria listed in s. 846.102 (2) (a) to (f), determines that the property has been abandoned.

(c) The board shall develop criteria to use for determining whether to install lighting on a property that is eligible under par. (b). The criteria shall take into consideration the totality of the circumstances of each eligible property.

(d) Lighting installed on a property shall not be more than is sufficient, as determined by the board, to secure the improvements on the property.

(3) REMOVAL OF LIGHTING. (a) If a property on which lighting was installed under the program was the subject of a foreclosure action under ch. 846, the board shall have the lighting removed from the property upon the first of any of the following to occur:

1. The action is dismissed.
2. The property is redeemed under s. 846.13.
3. The sale of the property is confirmed under s. 846.165.

(b) Except as provided in par. (c), if the county held a tax certificate with respect to a property on which lighting was installed under the program, the board shall have the lighting removed from the property upon the first of any of the following to occur:

1. The property is redeemed under s. 75.01.
2. The property is sold or title is otherwise transferred by the county to another party after the county acquired title to the property by tax deed under s. 75.14 or by an action in rem under s. 75.521.

(c) If the county held a tax certificate with respect to a property on which lighting was installed under the program and commenced an action to foreclose the tax certificate under s. 75.19, the board shall have the lighting removed from the property upon the first of any of the following to occur:

1. The action is dismissed.
2. The property is redeemed.
3. The sale of the property in the action to a party other than the county is confirmed.
4. The property is sold or title is otherwise transferred by the county to another party after the county acquired title to the property in the action.

1 3 ← (4) DELEGATION PERMISSIBLE. The board may delegate any of its responsibilities
2 under the program to a committee established by the board or to a county employee,
3 department, or agency.

4 4 ← (5) OBTAINING INFORMATION. The clerk of circuit court in the county, the county
5 treasurer, and the county register of deeds shall cooperate with and assist the board
6 in obtaining any information that the board needs to administer the program under
7 this section.

8 5 ← (6) IMMUNITY FROM LIABILITY FOR CONTRACTOR. An electrical contractor or
9 electrician that contracts to install lighting under a program under this section is
10 immune from civil liability for acts or omissions related to carrying out
11 responsibilities under a contract under sub. (2) (a).

12 **SECTION 3. Initial applicability.**

13 (1) The treatment of section 814.61 (1) (f) of the statutes first applies to
14 mortgage foreclosure actions that are commenced on the effective date of this
15 subsection.

16 (END)

Insert 2-17

one or more

¶ 2. The property has ↑ buildings or other
improvements.

(end of ins. 2-17)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2774/EA

PJK:wlj:js

stays

rmisun

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

analysis
+ p. 2
(in 10-4)

Today
please

Regen

- 1 **AN ACT** *to create* 814.61 (1) (f) and 846.095 of the statutes; **relating to:** a
2 program for installing lighting on tax delinquent properties and properties in
3 foreclosure and charging an additional fee for filing a foreclosure action to be
4 used for lighting installation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 5 **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:
6 814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a
7 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county
8 treasurer in a separate account to be used by the county exclusively for purposes of
9 the program under s. 846.095.

1 **SECTION 2.** 846.095 of the statutes is created to read:

2 **846.095 Installing lighting on properties that are tax delinquent or in**
3 **foreclosure. (1) DEFINITION.** In this section, "board" means a county board and
4 includes any person to which a county board delegates its responsibilities under sub.
5 (3).

6 **(2) PROGRAM FOR INSTALLATION OF SECURITY LIGHTING.** The board of each county
7 shall, no later than the first day of the 7th month beginning after the effective date
8 of this subsection [LRB inserts date], establish a program for installing lighting
9 on properties located in the county that are tax delinquent or in foreclosure. The
10 program shall include at least all of the following features and requirements:

11 (a) The board shall enter into a contract with an electrical contractor or
12 electrician to install the lighting. The lighting shall be installed for security purposes
13 on the exterior of any buildings or other improvements on the property and must be
14 powered by solar energy.

15 (b) Subject to par. (c), a property is eligible to have lighting installed if it
16 is located in the county and satisfies all of the following criteria:

17 1. The property is the subject of a foreclosure action under ch. 846 or the county
18 holds a tax certificate under s. 74.57 with respect to the property.

19 2. The property has one or more buildings or other improvements.

20 3. The board determines that the property is blighted property, as defined in
21 s. 32.22 (1) (a), or, using the criteria listed in s. 846.102 (2) (a) to (f), determines that
22 the property has been abandoned.

23 (c) The board shall develop criteria to use for determining whether to install
24 lighting on a property that is eligible under par. (b). The criteria shall take into
25 consideration the totality of the circumstances of each eligible property.

1 (d) Lighting installed on a property shall not be more than is sufficient, as
2 determined by the board, to secure the improvements on the property.

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4 under the program to a committee established by the board or to a county employee,
5 department, or agency.

6 (4) OBTAINING INFORMATION. The clerk of circuit court in the county, the county
7 treasurer, and the county register of deeds shall cooperate with and assist the board
8 in obtaining any information that the board needs to administer the program under
9 this section.

10 (5) IMMUNITY FROM LIABILITY FOR CONTRACTOR. An electrical contractor or
11 electrician that contracts to install lighting under a program under this section is
12 immune from civil liability for acts or omissions related to carrying out
13 responsibilities under a contract under sub. (2) (a).

14 **SECTION 3. Initial applicability.**

15 (1) The treatment of section 814.61 (1) (f) of the statutes first applies to
16 mortgage foreclosure actions that are commenced on the effective date of this
17 subsection.

18 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2774/lins
PJK:.....

revision

INSERT A

This bill requires the board of each county (board) to establish a program for installing lighting on certain eligible properties located in the county. A property is eligible to have lighting installed if: 1) the property is the subject of a foreclosure action or the county holds a tax certificate with respect to the property for delinquent property taxes; 2) the property has one or more buildings or other improvements; and 3) the board determines that the property is abandoned or blighted. The board must develop criteria, which take into consideration all of the circumstances of the property, for determining whether lighting should be installed on an eligible property.

★ The board must contract with an ~~electrician~~ *electrician* or electrical contractor to install the lighting on the exterior of any buildings or other improvements on ~~the~~ *an eligible* property. The lighting must be powered by solar energy and just sufficient for securing the improvements on the property. The bill provides the contractor with immunity from civil liability for acts or omissions related to installing the lighting under the contract.

The board may delegate any of its responsibilities under the program to any committee created by the board or any county employee, agency, or department. Funding for the program comes from a \$50 fee that is paid by the plaintiff in each foreclosure action that is commenced in the county. The fee is in addition to the usual fee for commencing a foreclosure action, which under current law is \$75. ✓

(END OF INSERT A)

Parisi, Lori

From: Knocke, Ryan
Sent: Monday, October 07, 2013 9:57 AM
To: LRB.Legal
Subject: Draft Review: LRB -2774/1 Topic: Increase fee for commencing foreclosure for purpose of installing lighting on properties being foreclosed

Please Jacket LRB -2774/1 for the ASSEMBLY.

Kahler, Pam

From: Rep. Goyke
Sent: Friday, October 25, 2013 1:37 PM
To: Kahler, Pam
Subject: Small Drafting Revisions - Rep. Goyke

Pam-

I hope you are having a good Friday. Yesterday afternoon I took the bill jackets of the 5 housing bills you have worked on for me and my staff member Ryan to the City of Milwaukee. They raised some good points and I have a few slight/small revisions that I wanted to make before introduction. I have left the bill jackets with Ryan and he is sending them over to you this afternoon.

- JTK 1.) LRB-2368/2 – HOME GR/OWN Bill - In the analysis it states the amount as \$2 million, but in the text of the bill it still lists it as \$5 million. Could this be changed so they both have the amount of \$2 million?
- BJK 2.) LRB-3431/1 – Entry Into Foreclosed Property Bill – Please remove the part of sub-section b under Section 2 that states the municipality may enter for code or ordinance violations. I am concerned that the City could enter and then write up many code violations on somebody already in the foreclosure process. My intent is for the city and others to only be able to shut the water off, power etc. If you have suggestions on wording please let me know.
- Also, at the beginning of section 2 where it begins to state the entry of municipality, please also add language to include a utility company, both public and private. My intent here is to have permission as well to allow a worker for a utility company like WE Energies to go in and turn the power off if necessary, in addition to municipal staff.
 - Also, under Section 4, Notice from Clerk of Court, please include that they must also include the name of plaintiff and address of plaintiff as well. My intent here is for the municipality to know which company or lending institution they are working with and who could come to own the property should the foreclosure action be completed.
- PJH 3.) LRB-2774/1 – Security Lighting Bill - I wanted to ensure that someone who contracts to install the lighting and their workers are not civilly or criminally guilty of trespassing. I see section 5 in the draft grants immunity from liability but does not mention trespassing as the previous bill draft above does. Could this language also be inserted here to ensure they would not be in violation of trespass laws?

Thank you for making these last minute small changes. I know they may seem picky, but I felt these were reasonable changes to make. Please let me know if you have any questions!

- Evan



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2774/

PJK:wlj

+PJH

stays

r m is run

2013 BILL

SOON
10.28.13
Monday

Regenerate

- 1 AN ACT *to create* 814.61 (1) (f) and 846.095 of the statutes; relating to: a
2 program for installing lighting on tax delinquent properties and properties in
3 foreclosure and charging an additional fee for filing a foreclosure action to be
4 used for lighting installation.

Analysis by the Legislative Reference Bureau

This bill requires the board of each county (board) to establish a program for installing lighting on certain eligible properties located in the county. A property is eligible to have lighting installed if 1) the property is the subject of a foreclosure action or the county holds a tax certificate with respect to the property for delinquent property taxes; 2) the property has one or more buildings or other improvements; and 3) the board determines that the property is abandoned or blighted. The board must develop criteria, which take into consideration all of the circumstances of the property, for determining whether lighting should be installed on an eligible property.

The board must contract with an electrician or electrical contractor to install the lighting on the exterior of any buildings or other improvements on an eligible property. The lighting must be powered by solar energy and just sufficient for securing the improvements on the property. The bill provides the contractor with immunity from civil liability for acts or omissions related to installing the lighting under the contract. *and criminal*

The board may delegate any of its responsibilities under the program to any committee created by the board or any county employee, agency, or department.

BILL

Funding for the program comes from a \$50 fee that is paid by the plaintiff in each foreclosure action that is commenced in the county. The fee is in addition to the usual fee for commencing a foreclosure action, which under current law is \$75.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:

2 814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a
3 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county
4 treasurer in a separate account to be used by the county exclusively for purposes of
5 the program under s. 846.095.

6 **SECTION 2.** 846.095 of the statutes is created to read:

7 **846.095 Installing lighting on properties that are tax delinquent or in**
8 **foreclosure. (1) DEFINITION.** In this section, "board" means a county board and
9 includes any person to which a county board delegates its responsibilities under sub.
10 (3).

11 **(2) PROGRAM FOR INSTALLATION OF SECURITY LIGHTING.** The board of each county
12 shall, no later than the first day of the 7th month beginning after the effective date
13 of this subsection [LRB inserts date], establish a program for installing lighting
14 on properties located in the county that are tax delinquent or in foreclosure. The
15 program shall include at least all of the following features and requirements:

16 (a) The board shall enter into a contract with an electrical contractor or
17 electrician to install the lighting. The lighting shall be installed for security purposes
18 on the exterior of any buildings or other improvements on the property and must be
19 powered by solar energy.

BILL

(b) Subject to par. (c), a property is eligible to have lighting installed if it is located in the county and satisfies all of the following criteria:

1. The property is the subject of a foreclosure action under ch. 846 or the county holds a tax certificate under s. 74.57 with respect to the property.

2. The property has one or more buildings or other improvements.

3. The board determines that the property is blighted property, as defined in s. 32.22 (1) (a), or, using the criteria listed in s. 846.102 (2) (a) to (f), determines that the property has been abandoned.

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(4) OBTAINING INFORMATION. The clerk of circuit court in the county, the county treasurer, and the county register of deeds shall cooperate with and assist the board in obtaining any information that the board needs to administer the program under this section.

(5) IMMUNITY FROM LIABILITY FOR CONTRACTOR. An electrical contractor or electrician that contracts to install lighting under a program under this section is immune from civil liability for acts or omissions related to carrying out responsibilities under a contract under sub. (2) (a).

25

SECTION 3. Initial applicability.*Insert PSM*

BILL

1 (1) The treatment of section 814.61 (1) (f) of the statutes first applies to
2 mortgage foreclosure actions that are commenced on the effective date of this
3 subsection.

4 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3431/?ins
PJK:.....

INSERT ~~36~~ *As PJM*

SECTION ~~#~~ 943.13 (4m) (e) of the statutes is created to read:

943.13 (4m) (e) A person entering or remaining on the land as authorized
under s. ~~846.085~~ (2) or (3). *846.095 (2)(a) de*

SECTION ~~#~~ 943.14 of the statutes is amended to read:

943.14 Criminal trespass to dwellings. Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor. This section does not apply to a person entering or remaining on the land as authorized under s. ~~846.085~~ (2) or (3). *846.095 (2)(a)*

History: 1977 c. 173.

SECTION ~~#~~ 943.15 (1r) of the statutes is created to read:

943.15 (1r) This section does not apply to a person entering or remaining on the land as authorized under s. ~~846.085~~ (2) or (3). *846.095 (2)(a)*

*pursuant
pursuant to
a contract*

*pursuant to
a contract*

*pursuant to a
contract*